

MINUTES OF THE CITY COUNCIL
OF THE CITY OF PULLMAN
APRIL 25, 2017

Roll Call

A regular meeting of the City Council of the City of Pullman was held on April 25, 2017, at 7:00 p.m. in the large conference room and Council Chambers, City Hall, Pullman, Washington with the following present:

Glenn A. Johnson	Mayor
Leann L. Hubbard	Finance Director
Jeff Hawbaker	Councilmember
Fritz Hughes	Councilmember
Eileen Macoll	Councilmember
Ann Parks	Councilmember
Al Sorensen	Councilmember
Nathan Weller	Councilmember
Pat Wright	Councilmember

Call to Order

Mayor Johnson called the regular meeting to order at 7:00 p.m.

Announcements

Mayor Johnson made six announcements including a presentation to Pullman Fire Chief Heston for completing the executive fire officers training and presentation of the executive fire officer program certification.

ArtWalk 2016 Recap

Library Director Bailey presented a recap of the 2016 ArtWalk and thanked all of the supporters. The 2017 ArtWalk will start on Thursday, May 11 and officially start on Friday, May 12.

**Public Works 2016
Annual Report**

Public Works Director Gardes presented the Public Works 2016 Annual Report. He discussed the engineering projects including Sanitary Sewer Rehabilitation 2016, Accelerated Streets Resurfacing 2016, Stormwater Low Impact Development Retrofit Project 2016, Wastewater Treatment Plant (WWTP) Air Gap Pump Station, WWTP Influent Pump Replacement, Orion Drive & Wheatland Drive Waterlines, and North Grant at Ritchie Pedestrian Crossing. He discussed inspections of the construction including Pullman High School remodel, SEL zBeta Building, Courtyard by Marriott, and Golden Hills Apartments West. He discussed activities of the protective inspection division, stormwater services division, transit division, maintenance and operations division, and

government buildings division. Councilmember Weller asked if the permeable pavers were installed. Public Works Director Gardes confirmed. Councilmember Macoll asked about the number of water meter replacements. Public Works Director Gardes explained the process of routine water meter replacements.

ORDER OF BUSINESS

Approval of Recommendations of Consent Agenda Items

CONSENT AGENDA

Mayor Johnson reviewed the items on the Consent Agenda with the Council and audience. He stated that items listed on the Consent Agenda are considered to be routine in nature and will be enacted by a single motion of the Council without separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda by Council request. Councilmember Wright moved, Councilmember Weller seconded to read the Consent Agenda by title only.

Motion Carried.

City Attorney McAloon read the items on the Consent Agenda by title only. Mayor Johnson asked if there were any requests for removal of items from the Council. There were none. Councilmember Parks moved, Councilmember Weller seconded to adopt the Consent Agenda as presented.

Motion Carried.

Motions

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| Minutes -
April 5,
2017 | 1. | The Council dispensed with the reading of the minutes of the regular meeting of April 5, 2017, and approved them as submitted. |
| Minutes -
April 11,
2017 | 2. | The Council dispensed with the reading of the minutes of the regular meeting of April 11, 2017, and approved them as submitted. |
| Accounts Pay-
able, Payroll
and Electronic
Transfers -
April 5, 2017 to
April 18, 2017 | 3. | The Council approved disbursements represented by accounts payable checks numbered 86956 through 87115 totaling \$1,294,147.60 inclusive, payroll check numbered 71154 through 71284 totaling \$121,646.38.67, and electronic transfers totaling \$1,083,649.19 for April 5, 2017 to April 18, 2017. |

REGULAR AGENDA

Public Hearing / Public Meeting

Modify Certain
Provisions in
Whispering Hills
Subdivision Nos.
3, 4, 8, and 9

4. Mayor Johnson announced that a public hearing is scheduled on modification of certain provisions related to Whispering Hills Subdivision. Planning Director Dickinson presented his memorandum that as described previously, the City received a request from Copper Basin Construction President Steve White to eliminate the use of a mid-block easement in Whispering Hills Subdivision Nos. 3 and 4 for the purposes of public pedestrian travel, and to revoke a City Council condition requiring the construction of a pedestrian path within a power line easement that extends along the east boundary of Whispering Hills Subdivision Nos. 3, 4, 8, and 9. The area under consideration is generally located east of the intersection of SW Old Wawawai Road and SW Golden Hills Drive to Sunnyside Hill. The proposed modifications would affect Whispering Hills Subdivision Nos. 3, 4, 8, and 9, and the Final Planned Residential Development (PRD) Plans for Whispering Hills Nos. 3 and 4. Copper Basin Construction was the developer of the subject subdivisions and PRDs. This memorandum is to clarify prior questions raised at the opening session of the public hearing conducted on February 28, 2017. Dickinson requested to reopen the public hearing and ask the City Council for guidance. Public Works Director Gardes presented his related memorandum providing additional input requested by City Council on questions/concerns raised during the February 28, 2017 public hearing. Councilmember Hawbaker asked if there are any issues with the 22.5 percent grade as discussed in exhibit A. Gardes replied yes, there would be similar issues. Councilmember Hawbaker asked about constructing stairs. Gardes replied we typically would not construct stairs on a trail. We would recommend paving as a walking path. Councilmember Hawbaker asked what kind of continued maintenance costs would there be. Gardes said there would be more maintenance costs on a steep walking path rather than a driving path. Councilmember Weller asked if the grade on the path behind Cougar Country is about 15 to 20 percent. Gardes replied probably. Councilmember Weller asked if there have been any noticeable issues with this trail. Gardes

replied no. Councilmember Weller asked if the City would be responsible for maintaining the trail. Gardes replied no we do not typically maintain these trails. Councilmember Sorensen asked who owns and maintains the paths around Copper Basin. Gardes stated they are maintained by Copper Basin and the City does not maintain them in the winter. Councilmember Sorensen asked who is responsible for the liability. City Attorney McAloon answered the paths are not like sidewalks dedicated to the City as a right of way. It is just an easement for public pedestrian access that is why the City does not actively maintain it. Councilmember Weller asked if there are three separate trails. Gardes answered there is the mid-block crossing, the power line path north of Center Street, and the power line path south of Center Street. Councilmember Macoll thanked staff for the through reports.

At 7:36 p.m. Mayor Johnson opened the public hearing.

Copper Basin Construction President Steve White stated he has not changed his opinion. The trails are not in the best location due to the slopes. Copper Basin has provided the City of Pullman and Whispering Hills residents over a mile and a half of trails to date. He stated the residents along Corral Court seemed opposed to a trail in their backyard. It does lead to a very steep slope so stairs would not be appropriate. He is concerned about the easements on the old plats that were not rededicated. It is specifically noted on subdivision nos. 3 and 4 they carved out the waterlines as existing easements so he does not agree that they were rededicated for pedestrian use. Twenty-two percent is a steep trail, which is five times the ADA maximum allowed standards. He stated the existing trails are not in residents backyards. They are in large open spaces. Today he met with the four residents at Lehman Court and all unanimously agreed they do not wish to have a trail placed between their houses. He stated the final PRD plan for Whispering Hills subdivision No. 4 shows the trail at the end of cul-de-sac and does not show a trail connecting Lehman Court and Lost Trail Drive. They thought they agreed with City staff to eliminate this trail and move it to a better location at the end of the cul-de-sac. He also thought they were not going to use the trail as a pedestrian path.

The problem is the pedestrian right of ways notation on the final plats for phases 3 and 4. He reiterated the residents do not desire a trail.

Don Rosio, a Lehman Court resident, confirmed he did meet with Steve White, his wife and the other three affected homeowners. He confirmed the residents agreed to no trail. He believes it is more beneficial to leave it as is. When he bought his lot it did have plans for a trail so he paid an additional premium on the lot. He wants a \$5,000 refund for this premium.

Jeff Bowman, a Corral Court resident, stated he agrees with Steve White in that the trail is not the best location. There are several other paths for his family. His concern is if the construction is incorrect, then he fears the water will drain into his lot due to the slant and erosion. He does not believe construction will help the water runoff. He also fears for the liability of injuries, especially being next to the retirement center. He thinks there are better locations for more trails. As a resident of Whispering Hills, he does not think more trails are needed. He is pleased with the trails they currently have.

Amy Rosio, a Lehman Court resident, stated she was in support of a trail connecting Lehman Trail and Lost Trail Drive at the February 28 public hearing. She is the original owner of her home with the understanding the trail should, could, and would have been built. She is asking the City Council to consider not building the trail. After discussion with three of her affected neighbors she stated they have all been put in an uncomfortable situation and have sympathy with them. This has caused undo stress and is disappointed in the way this situation has been handled. There has been tension in her neighborhood. She has agreed with Steve White and her three neighbors that the best solution at this point is the trail not be built and also the premium be refunded. She believes this is the best solution to maintain amicable living environment for all parties involved. She encourages City Planning and City Council to please give thought and consideration as to how this going to affect the people that have to continue to live next door to each other with these trails.

Jenna Rode stated she is new to Lehman Court and is one of the homeowners directly affected by the trail between Lehman Court and Lost Trail Drive. She is opposed to having a path installed. When she purchased her home she was under the understanding the trail would never be built. A trail would invade her privacy and a trail would make her uncomfortable as owner of her home. She confirmed she met with Steve White and other three affected homeowners and confirmed the residents agreed they do not want the trail. She is happy with that decision.

Derek Holmes, a Corral Court resident, affected by the trail constructed on power line easement. He was not aware a trail would be built on his property. He is opposed to a trail. It is a steep grade so it does not make sense to build it. There are plenty of other easily accessible trails to walk and get around the community. The Itani trail is close to this proposed Corral Court trail. He thinks the funds to build and maintain this trail should be used elsewhere. If the trail is not maintained it will raise liability for kids and the seniors at the senior living facility. He asks the City Council to consider not putting the trail in.

Heather Bowman, a Corral Court resident, agrees with neighbors about the easement going behind her house. She has an issue that the trail is just in backyards and there is no street accessibility. She is concerned about theft and vandalism because there is no surveillance or street accessibility. Other concern are the steepness, transformers in the way, trees, and disrupt wildlife. She is opposed to the walkway.

Richard Wesson lives on the out skirts of town and has been planning a proposed path between Pullman and Colfax. He has attended the Washington State bike summit. It has instilled in him the value of trails to a community. He does not have an answer for City Council. He has been contributing to trail conservancy for thirty years and has used these type of trails for a couple of years. He can see the value of the trails for all people to interact and engage as a community. He has paid and contributed into trails and is now reaping benefits of trail usage. He visited the Brelsford WSU visiting center where the comprehensive plan is displayed. The City is looking ahead twenty years. He has walked around Pullman and

realized thirty years ago there were no requirements to build sidewalks on both sides of the street. Now there are problems we have to fix. Making it safe for children to walk to school is a remedial problem. We did not do it right the first time and we did not value trails. We are starting to value trails now. He asks City Council to have foresight to lay a foundation for the future and if a trail is not approved, then find a mechanism to add trails for that neighborhood.

Scott Cornelius is a trail proponent and builds/maintains trails around town. These trails make the town vibrant and livable. He would appreciate City Council considering making the livability of the City as an established goal. The power line trail is steep, but some people like steep trails. This town is steep and there is no problem making steep trails. He has written two letters so will not go into details. Fountain Street is 20 percent steepness and College Hill is 25 percent steepness, so 22 percent steepness is not particularly steep. A good example is the business park by the cemetery where there is a steep trail constructed along the power line. He would be glad to answer any questions from City Council on his written detailed letters.

Dave Gibney stated first, he is glad people came together to come to an agreement but does not think the City can enforce the agreement. He warned City Council to verify the agreement really happened. Second, it may be the power line easement is steep and is not the best location but to ensure sufficient alternate pathways are planned and placed in the area before signing off (authorizing a resolution).

Lisa Carloye agree with advocates of trails. The existing trails are really important to the culture and feel of our community. Lehman Court to Panorama Drive was walkable and does not seem to have any logistical problems. The section by the senior living is steeper and may require stairs. She encourages City Council to require this trail be put in. She thinks this is a significant transportation corridor connecting these far out neighborhoods to downtown and schools. She thinks people should not just rely on streets to move around. She encourages City Council to stick with their plan of the written requirement to build a trail along power line.

Jaime Brush sent City Council an email giving her opinion. She is in support of all trail connections and encourage they do go in.

John Brown, a Johnson Road Washington resident, stated as a private landowner, he took 1,900 feet of abandoned Burlington Northern Railway and set up free and welcome passageways for people so they did not have to ride bikes or walk along Johnson roads. He thinks it is important for safety. Any opportunity that City Council has to not be on roads for the safety of pedestrians and bikers is greatly appreciated. In thirty years he has had no vandalism whatsoever. He encourages City Council to take every opportunity to make it safer for pedestrians and bikers.

Linda Russo stated she is a public pedestrian. She appreciates hearing the view of the homeowners who have concerns about public access to their property but encourages them to think about it as a benefit as we get to know our neighbors and other residents. She understands the issues but wants to encourage City Council to think about the future of Pullman as a place where the quality of life is good. We can walk, ride bikes, and cross country ski. Thank you.

Mayor Johnson asked if there are any other public comments. There were none.

At 8:03 p.m. Mayor Johnson closed the public hearing.

Mayor Johnson asked City Council if there are any additional questions.

Councilmember Sorensen asked who owns property between Lehman Court and Lost Trail Drive. White answered they are still owned by Copper Basin. Councilmember Sorensen asked if the homeowners are all in support of not building a path, then what is Copper Basin's plan with the property. Would Copper Basin turn property over to homeowners, maintain ownership, reimburse homeowners, etc...? White answered he would honor the agreement with the homeowners and would deed the parcels to the homeowners. Councilmember Sorensen asked if it would be equal shares. White answered no. The homeowners want to leave it as-is. Councilmember Sorensen asked if it would be surveyed. White answered

it is already an existing lot so the survey already exists. It is simple to deed the property over to the homeowners. Councilmember Sorensen asked if it is ok to split since it is not straight. White answered the easement is straight. The fence lines are along the current property lines. Councilmember Sorensen asked if all four homeowners are in agreement. White answered yes.

Councilmember Macoll asked if it is a utility easement (between Lehman Court and Lost Trail Drive). White responded it would not change. The utility easement would remain. Councilmember Macoll asked if the City would retain the utility easement.

Councilmember Weller stated a lot of +parts bother him. He asked when the trail grade and paving issue come up. Dickinson replied three or four years ago the issue came up on how to address the issue through city code. Councilmember Weller stated the original agreement for trails was agreed upon by developer. He agrees the trails in Pullman are steep. He is concerned there is pressure by homeowners since they have changed their opinion (since the February 28 public hearing). He is concerned homeowners purchased without knowledge of the trail. He is distressed the homeowners were under the impression the trail would never be build. He believes we need to ensure our agreements with developers are kept and understands this is a unique situation.

Councilmember Parks believes this is a unique situation. She thinks there are safety issues with the grade around Corral Court. She noticed the people for these trails are not in the neighborhood and the people directly affected beside trail are opposed to these trails. There are trails in Pullman but there are not many trails that are built between homes. The resident's privacy should be taken into account.

Councilmember Macoll stated eventually all houses will be sold so there will be different homeowners. She has empathy for residents here tonight. The City Council has to consider the future of the rest of the citizens and subsequent homeowners in these subdivisions. She believes we should keep building trails but do not give up easements even if the trails are

not built today. Let's try to find a path for the future.

Councilmember Hughes agrees with Councilmember Parks that its personal property so their opinion is important.

Mayor Johnson stated the trails were split into three different segments. He guided City Council to look at these three sections.

Councilmember Sorensen stated his opinions: (1) Lehman Court to Lost Trail Drive trail); there is a meandering trail at the end of the street four houses away from the proposed path so not to construct the proposed path, (2) South of Center Street (by Corral Court); the steepness is a nightmare, does not believe a lot of people will use a path, and does not like stairs so does not want the proposed path constructed, and (3) North of Center Street; He likes this path because it connects a big portion of houses with lots of access. The twenty-two percent grade is not a big deal. He believe this proposed path should be constructed.

Councilmember Weller agree with Councilmember Sorensen. He stated trails and paths are public. The paths need to be accessible to everybody. Trails are public property so they should be constructed as they were agreed upon. He believes we should honor the agreement.

Councilmember Wright agrees with Councilmember Sorensen to break out three sections and these opinions are reasonable. She sympathize with the homeowners. Trails and paths are the future.

Mayor Johnson announced staff will come back to City Council with an ordinance and resolution and clarified if City Council is in agreement to these three breakouts. He also confirmed staff is clear on guidance.

Councilmember Sorensen stated residents are responsible to know about their property when they buy property. When you buy property there are title searches that identify easements. He suggests residents to check the official records instead of someone's words.

City Attorney McAloon wanted to state for the record that the correct process has been followed. The plat approvals were done by City

Council per City code. Each plat was approved. Just to be clear, there was no procedural mistake.

Councilmember Sorensen clarified his position is no path from Lehman Court to Lost Trail Drive, no path north of Center Street, and require a path south of Center Street.

Public Works Director Gardes asked to clarify the City Council direction is to extinguish the pedestrian easement on the Lehman Court to Lost Trail Drive path and to extinguish the pedestrian easement on the south of Center Street path. Councilmember Sorensen clarified to extinguish the pedestrian easement on the Lehman Court to Lost Trail Drive path and to extinguish the pedestrian easement on the south of Center Street path. Councilmember Macoll stated to keep the public pedestrian easements on the south of Center Street path and do not extinguish this easement. Councilmember Hughes agrees with Councilmember Sorensen. Councilmember Weller agrees with Councilmember Macoll. Councilmember Hawbaker agrees with Councilmember Sorensen. Councilmember Wright agrees with Councilmember Macoll. Councilmember Parks agrees with Councilmember Macoll. Mayor Johnson recapped the City Council guidance is to retain (keep) the easement south of Center Street by 4-3 tally.

Mayor Johnson thanked everyone for their input and presence tonight.

Resolutions

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| Resolution
No. R-27-17 -
Authorizing
Grant
Application with
Washington State
Department of
Archaeology and
Historic
Preservation | 5. Mayor Johnson announced that a resolution has been prepared to authorize the submittal of a Certified Local Government grant application for Federal Fiscal Year 2018 to the Washington State Department of Archaeology and Historic Preservation (DAHP). Planning Director Dickinson reported this proposal is to hire a consultant to gather information and organize it for uploading to an existing app in order to create a digital form of the walking tour and requested approval of the resolution. Councilmember Weller asked what is the existing app. Dickinson replied the preferred app is Cleo History but is open to suggestions by the consultant. |
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Resolution No. R-27-17 by title only reads as follows:

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION TO THE WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION FOR THE PURPOSE OF GATHERING INFORMATION FOR UPLOADING TO A MOBILE APPLICATION RELATED TO THE WALKING TOUR BROCHURE OF HISTORIC RESOURCES IN THE DOWNTOWN AREA.

Councilmember Hughes moved, Councilmember Weller seconded to adopt Resolution No. R-27-17. The motion carried unanimously.

Resolution
No. R-28-17 -
Service Contract
with Design West
Architects for
the City Hall
Roof Replacement
Project

6. Mayor Johnson announced that a resolution has been prepared to authorize a professional services agreement with Design West Architects for the City Hall Roof Replacement Project. Public Works Director Gardes reported on the background and requested approval of the resolution. Councilmember Weller asked if solar cell panels were reviewed for the roof. Gardes replied the roof is not structurally sound but the HVAC analysis may indicate ground installation.

Resolution No. R-28-17 by title only reads as follows:

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND DESIGN WEST ARCHITECTS, PA FOR CITY HALL ROOF REPLACEMENT.

Councilmember Weller moved, Councilmember Hawbaker seconded to adopt Resolution No. R-28-17. The motion carried unanimously.

Resolution
No. R-29-17 -
Award Bid of
Motley-Motley,
Inc. for
Accelerated
Street
Resurfacing 2017

7. Mayor Johnson announced that a resolution has been prepared to award the bid of Motley-Motley, Inc. for accelerated streets resurfacing. Public Works Director Gardes reported on the scope of contract 17-01, Accelerated Streets Resurfacing 2017, which consists of resurfacing 1.44 miles of urban arterial streets by grinding and mixing the existing HMA (asphalt) and base rock, reshaping and compacting the base and paving with 4" to 5" of new HMA. This project will resurface the following streets on College Hill: Colorado Street from Opal Street to C Street; B Street from Colorado Street to Stadium Way;

Valley Road from Stadium Way to Cove Way (north), Merman Drive from Valley Road to Terre View Drive. Gardes requested approval of the resolution. Councilmember Sorensen asked why there is 4" instead of all 5" resurfacing. Gardes replied the 5" streets are the transit routes. Councilmember Sorensen commented he would like all the streets to be 5" resurfacing. Councilmember Sorensen asked how the houses and businesses have been contacted to inform them of the resurfacing disruption. Gardes replied they have not been contacted yet but will have a door hanger and emails to the College Hill Association and WSU for distribution. Councilmember Sorensen recommended more communication and to contact them early. Councilmember Hawbaker asked if there is impact to the bus routes. Gardes confirmed and stated we are working with Pullman Transit, public media, and Facebook posts.

Resolution No. R-29-17 by title only reads as follows:

A RESOLUTION ACCEPTING THE BID OF MOTLEY-MOTLEY, INC. FOR ARTERIAL STREETS RESURFACING 2017 AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

Councilmember Sorensen moved, Councilmember Weller seconded to adopt Resolution No. R-29-17. The motion carried unanimously.

NEW BUSINESS

Mayor Johnson asked if there was any new business. There was no new business.

EXECUTIVE SESSION

At 8:43 p.m., Mayor Johnson announced that the Council would take a five-minute break and then convene in an Executive Session for the purpose of:

Considering the selection of site or acquisition of real estate by lease or purchase.

The meeting was adjourned at 8:44 p.m. for the five-minute break and then to hold the Executive Session which was scheduled for approximately 15 minutes. The Executive Session started at 8:49 p.m. The Executive Session had no extensions. The Executive Session ended at 9:04 p.m.

ADJOURNMENT

Councilmember Weller moved, Councilmember Parks seconded to adjourn the regular meeting of the City Council.

Motion Carried.

Mayor Johnson adjourned the regular meeting of the City Council at 9:04 p.m.

Finance Director/City Clerk